

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 ALLSTATE INSURANCE COMPANY,
5 et al.,

6 Plaintiffs,

7 v.

8 RUSSELL J. SHAH, MD, et al.,

9 Defendants.

Case No. 2:15-cv-01786-APG-CWH

**ORDER DENYING MOTION FOR
SANCTIONS**

(ECF No. 73)

10 The defendants move for sanctions against the plaintiffs, asserting that the plaintiffs did
11 not conduct an adequate pre-suit investigation. The defendants request sanctions under Federal
12 Rule of Civil Procedure 11 and the court's inherent power.

13 I deny the motion without prejudice to assert it later. Considering the evidence presented,
14 the amended complaint is not frivolous or without factual basis. *In re Keegan Mgmt. Co., Sec.*
15 *Litig.*, 78 F.3d 431, 434 (9th Cir. 1996). Nor is there evidence of bad faith at this time. *Fink v.*
16 *Gomez*, 239 F.3d 989, 994 (9th Cir. 2001). The defendants' motion is based largely on their
17 dissatisfaction with the plaintiffs' discovery responses. The parties are litigating those matters
18 before the Magistrate Judge.

19 IT IS THEREFORE ORDERED that the defendants' motion for sanctions (ECF No. 73)
20 is **DENIED without prejudice**.

21 DATED this 25th day of September, 2017.

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23 
24 ANDREW P. GORDON
25 UNITED STATES DISTRICT JUDGE
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